

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE COMMISSION,

*Plaintiff,*

v.

10 Civ. 457 (GLS)  
(DRH)

McGINN, SMITH & CO., INC.,  
McGINN, SMITH ADVISORS LLC,  
McGINN, SMITH CAPITAL HOLDINGS CORP.,  
FIRST ADVISORY INCOME NOTES, LLC,  
FIRST EXCELSIOR INCOME NOTES, LLC,  
FIRST INDEPENDENT INCOME NOTES, LLC,  
THIRD ALBANY INCOME NOTES, LLC,  
TIMOTHY M. MCGINN, DAVID L. SMITH,  
LYNN A. SMITH, DAVID M. WOJESKI, Trustee of  
the David L. and Lynn A. Smith Irrevocable  
Trust U/A 8/04/04, GEOFFREY R. SMITH,  
LAUREN T. SMITH, and NANCY MCGINN,

*Defendants, and*

LYNN A. SMITH, and  
NANCY MCGINN,

*Relief Defendants and:*

DAVID M. WOJESKI, Trustee of the  
David L. and Lynn A. Smith Irrevocable  
Trust U/A 0/04/04,

*Intervenor.*

**ORDER APPROVING FIRST INTERIM APPLICATION  
OF CHIAMPOU TRAVIS BESAW & KERSHNER LLP  
FOR APPROVAL OF FEES AND EXPENSES**

Upon the First Interim Application of Chiampou Travis Besaw & Kershner LLP  
("Chiampou") for Approval of the First Interim Application for Fees and Expenses dated  
March 28, 2011 ("Application") for an order approving accountant's fees and expenses; and  
notice of the Application having been given to the Securities and Exchange Commission and all  
parties who have filed a Notice of Appearance in this action and all creditors of the McGinn

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Smith Entities and other parties in interest via the Receiver's website, which notice is deemed  
good and sufficient notice; and the Court having determined that sufficient cause exists; it is  
therefore

ORDERED, that the Application is approved such that (i) compensation for  
services rendered between April 25, 2010 and February 26, 2011 ("Application Period") in the  
amount of \$56,515.66 is allowed as an interim allowance, and (ii) reimbursement of expenses  
advanced by Chiampou during the Application Period in the amount of \$433.36 is allowed as an  
interim disbursement payment; and it is further

ORDERED, that the Receiver is authorized and directed to pay the amounts as  
allowed pursuant to this Order.

Dated: <sup>May 16</sup> April \_\_, 2011



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Hon. David R. Homer  
United States Magistrate Judge

Doc # 01-2424868.1